

**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 3, 5-16, 18-21 and 23-29 are pending in the application. Claims 17 and 22 have been cancelled without prejudice or disclaimer. Independent claim 3 has been amended to include claims 17 and 22. Claim 5 has been rewritten in independent form including all limitations of base claim 3. The previously presented claims have been further revised, where appropriate, to improve claim language. New claims 23-29 have been added to provide Applicants with the scope of protection to which they are believed entitled. New claims 23-26 correspond to claims 13, 14, 16, 21, respectively. New claim 28 find support in at least paragraph 0053 of the *published* application. New claims 27 and 27 find support in at least FIG. 2 at L1, and FIGs. 3-4 which show that the sheets 5-6 are coextensive in both the longitudinal and transverse directions. No new matter has been introduced through the foregoing amendments.

The *35 U.S.C. 112, first paragraph* rejection of the previously presented claims is traversed, because the FIG. 2 at 20/21/22/23 at least provides inherent support for the claim feature. Solely for the purpose of expediting prosecution, Applicants have deleted the claim wording at issue, i.e., "uniformly." Withdrawal of the *35 U.S.C. 112, first paragraph* rejection is now believed appropriate and therefore respectfully requested.

The art rejections relying on new interpretations of the previously applied reference of *Jitoe* are noted. Although Applicants do not necessarily agree with the Examiner's position, amendments have nevertheless been made to specifically avoid the rejections, solely for the purpose of expediting prosecution.

In particular, independent **claim 3** now recites, among other things, that “the outer sheet and an inner sheet [are] directly joined together at a plurality of joining sites” and “said plurality of joining sites are distributed at least in an area of said absorbent structure ... and are located between the middle portions of said auxiliary elastic members.”

The Examiner’s reliance on FIG. 6 of *Jitoe* is noted. The figure, however, does not show any direct bonding between outer sheet 2 and inner sheet 3. Further, any such direct bonding would be positioned above element 31 in FIG. 6 where outer sheet 2 and inner sheet 3 contact, and cannot be considered as being “distributed at least in an area of said absorbent structure” as presently claimed. Finally, since any direct joining sites between outer sheet 2 and inner sheet 3 must be outside the area of said absorbent structure, they cannot be “located between the middle portions of said auxiliary elastic members” (21B, C, D) as the claim requires.

Independent claim 3 also recites that “the joining sites are each in the form of a dot and comprise first joining sites arranged in the longitudinal direction in a middle zone of the absorbent structure, second joining sites arranged in the longitudinal direction on both sides of the first joining sites, and third joining sites arranged in the longitudinal direction on both sides of the second joining sites and in the vicinity of the transversely opposite side edges of the absorbent structure.”

The Examiner’s reliance on the teaching references (in the rejection of claim 22) for the claim feature dot form is noted. Assuming *arguendo* that the teaching references can be combined with *Jitoe*, the combination would still fail to teach or suggest many recited features of the joining sites, as detailed above. The Examiner’s reliance on paragraph 0025 of *Jitoe* (in the rejection of claim 22) is also noted. The cited teaching is related to the bonding between one of the sheets (5) of the chassis and the core (4), rather than between two sheets of the chassis as presently claimed. In other words, the *external* bonding of the chassis (5) to the core (4) as disclosed in the applied paragraph of *Jitoe* is neither indicative nor suggestive of the claimed *internal* direct bonding between layers of the chassis.

For any of the reasons detailed above, Applicants respectfully submit that amended claim 3 is patentable over the art as applied by the Examiner.

Independent **claim 5** recites, among other things, that “a length of said auxiliary elastic members in the waist-surrounding direction as measured in a unstretched state thereof is substantially equal to a width of the absorbent structure in the waist-surrounding direction in the one of said front and rear waist regions.” It should be noted that the stretched state of the auxiliary elastic members has been defined in claim 5 as the state when the auxiliary elastic members are bonded to the chassis. In *Jitoe* as applied by the Examiner, no disclosure of such unstretched state can be found, and hence the claimed invention would not have been obvious over the art as applied by the Examiner.

Applicants further respectfully disagree with the Examiner’s obviousness rationale. At the very least, it is unclear from the Examiner’s rationale as to what problem a person of ordinary skill in the art was under pressure to solve in view of the prior art. Only after a problem can be clearly identified, can identified predictable solutions be discussed in a meaningful manner. Clarification is respectfully requested.

Applicants respectfully submit that although the lengths of both the core and auxiliary elastic members might be adjusted *together* according to the size of the article, it would not have been obvious to adjust the lengths of the core and auxiliary elastic members *separately* so as to arrive at the claimed relationship.

For any of the reasons detailed above, Applicants respectfully submit that amended claim 5 is patentable over the art as applied by the Examiner.

The dependent claims, including any new claim(s), are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

As to **claim 7**, the art as applied by the Examiner, especially FIG. 6 of *Jitoe*, does not fairly teach or suggest that “the substantially liquid-impervious outer sheet [of the absorbent structure] is disposed between the liquid-absorbent core and the inner sheet of said chassis.” In FIG. 6 of *Jitoe*, the core is at 4, and the inner sheet of the chassis is at 5. There is no liquid-impervious outer sheet of the absorbent structure between elements 4 and 5. If element 5 of *Jitoe* is considered as the claimed liquid-impervious outer sheet of the absorbent structure, and element 6 is considered as the inner sheet of the chassis, then there cannot be any *direct* bonding between inner sheet 6 and outer sheet 2 of the chassis, contrary to claim 3 from which claim 7 depends.

As to **claim 11**, the Examiner’s reliance on *Matsuura* for alleged teaching of “generally equal” lengths is improper, because claim 11 recites “equal” rather than “generally equal.”

As to **claim 12**, the Examiner’s obviousness rationale is respectfully traversed, for at least the reasons presented with respect to similar obviousness rationale against claim 5.

As to **claim 14**, the Examiner is kindly asked to cite teachings of *Jitoe* where the claim feature is found. See Final Office Action at page 6, lines 1-3 from bottom.

Independent **claim 15** is patentable over the art as applied by the Examiner at least for the reasons presented above with respect to the added “directly” feature of claim 3. In addition, joining sites 9 in FIG. 1 of *Jitoe* are not “all arranged only along and in vicinities of the transversely opposite side edges of said absorbent structure” as presently claimed. See, for example, the joining sites 9 at the level above the topmost end 22 of core 4. Further, joining sites 9 in FIG. 1 of *Jitoe* are not “distributed at least in an area of said absorbent structure in the one of front and rear waist regions, are spaced one from another by given space in said longitudinal direction and are located between the middle portions of said auxiliary elastic members.” Claim 15 and the respective dependent claims, including any new claims, are thus patentable over the art as applied by the Examiner.

As to **claim 16**, the Examiner's consideration of the claim language as functional is noted. Applicants respectfully disagree because at least "limits" are not functional, but structural features that must be given patentable weight.

As to **claim 21**, the Examiner is again reading *external* bonding between the chassis 5/6 and core 4 on the *internal* direct bonding between layers of the claimed chassis, which is improper for the reasons detailed with respect to claim 3.

As to **claims 23-26**, note the discussion *supra* with respect to claims 13-14, 16 and 21, respectively.

As to **claim 28**, this claim together with claim 7, from which it depends, recites three liquid-impervious sheets below the core which is not deemed taught or suggested by the art as applied by the Examiner.

**Conclusion**

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: **October 21, 2008**  
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